

## REMARKS

### A. Status Of Claims

Claims 1, 4, 5, 7, 9, 11-14, 17, 18, 20, 22, 23 and 37 were pending in the application prior to the instant Amendment. Claims 1, 4, 5, 7, 9, 11-14, 17, 18, 20, 22, 23 and 37 have been cancelled without prejudice or disclaimer. Claim 38-46 have been added and are now pending.

### B. Claim Preamble

The office action maintains that the plurality of voids in the object is not positively set forth in the claims. The case law is clear and voluminous that if the language of the preamble is essential to particularly point out the invention defined by the claims, i.e., it is more than a mere statement of purpose, then it too is legally limiting. *Perkin-Elmer Corp. v. Computervision Corp.*, 732 F.2d 888, 221 USPQ 669 (Fed. Cir. 1984); *In re Bulloch*, 604 F.2d 1362, 203 USPQ 171 (CCPA 1979). Where "the term" in the preamble "breathes life and meaning into the claims," then it "is a necessary limitation to them." *Loctite Corp. v. Ultraseal Ltd.*, 781 F.2d at 866, 228 USPQ at 92.

### C. Claim 38

Claim 38 recites a first wire comprising a one-piece member having a first lower section, a first intermediate section and a first upper section. A second wire comprises a one-piece member and having a second lower section, a second intermediate section and a second upper section. Each of the first and second wires is identical to one another. The first and second wires are spirally twisted along said first and second intermediate sections forming a first and a second intertwined helix to provide an

upright support. The first and second lower sections of said first and second wires extend outwardly in opposite directions from said upright support and terminating in first and second lower distal area extending generally parallel to said upright support for enabling said first and second lower distal area of said first and second lower sections to be inserted into the base surface to mount the wire support. The first and second upper sections of said first and second wires have a first and second upper regions extending outwardly in opposite directions from said upright support and terminating in first and second upper distal area extending generally parallel to said upright support. The first and second upper distal area are inserted into two of the plurality of void areas of the sheet material to support the sheet material relative to the base surface.

Firstly, the prior art fails to teach or suggest a first and a second wire that are each one-piece secondly, the prior art fails to teach or suggest a first and a second wire that are identical to one another. Thirdly, the prior art fails to teach or suggest inserting the upper distal area of the first and second wires into two of the plurality of void areas of the sheet material.

D. Claims 39-43

Claims 39-43 are dependent upon claim 38 and would be allowable upon allowance of claim 38. Furthermore, claims 39-43 present further limitations.

E. Claim 44

Independent claim 44 sets forth a wire system for supporting a sign from a ground surface. In addition to the structure recited in independent claim 38, independent claim 44 positively sets forth a sheet material having a plurality of void areas defined in an edge of the sheet material. The upper distal are inserted into two of the plurality of void areas of said sheet material to support the sign relative to

the ground surface.

F. Claim 45

Independent claim 45 sets forth a wire support for supporting a corrugated sheet material from a ground surface. In addition to the structure found in independent claim 38, independent claim 45 sets forth an upper end of said upright support defining a minor length whereat said first and second wires are untwisted to provide a first and a second spaced apart straight portion of said first and said second wires. The first and second spaced straight portions receiving the sheet material between said first and second spaced straight portions to lateral support the sheet material.

G. Claim 46

Independent claim 46 sets forth a wire support for supporting a sheet material having a plurality of void areas. In addition to the structure found in independent claim 38, independent claim 46 sets forth an upper and a lower end of said upright support defining an upper and a lower minor length whereat said first and said second wires are untwisted to provide first and second upper and lower spaced apart straight portions of said first and said second wires, respectively. The first and second upper and lower spaced apart straight portions enabling said first wire to be rotated about said first and second intertwined helix of said upright support relative to said second wire to move said first lower and upper sections adjacent to said second lower and upper section to fold the wire support.

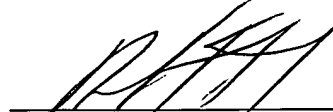
Claims 38-46 have been added to the application by the present Preliminary Amendment C. Claims 38-46 have not been previously considered by the Examiner.

It is respectfully submitted that a new issue of patentability is presented for consideration by the

examiner. It is verily believed that a first action FINAL REJECTION is would not be a proper action by the United States Patent Office.

Respectfully submitted,

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